

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MELVINE KEITH NOAKS, )  
Plaintiff, ) Civil Action No. 7:21cv00474  
v. )  
OFFICER PARSONS, )  
Defendant. )  
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**MEMORANDUM OPINION**  
By: Hon. Thomas T. Cullen  
United States District Judge

Plaintiff Melvine Keith Noaks, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On November 24, 2021, the defendant filed a motion to dismiss Noaks's complaint. (ECF No. 10.) On November 26, 2021, the court issued a notice, pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), giving Noaks 21 days to file a response to the motion to dismiss and advising him that, if he did not respond to the defendant's motion to dismiss, the court would "assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their responsive pleading(s)." (See ECF No. 12.) The notice further advised Noaks that, if he wished to continue with the case, it was "necessary that Plaintiff respond in an appropriate fashion," and that if he failed to file some response within the time allotted, the court "may dismiss the case for failure to prosecute." (*Id.*) Noaks did not respond to the motion to dismiss. Therefore, the court will dismiss Noaks' complaint without prejudice for failure to prosecute.

The clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

**ENTERED** this 31st day of March, 2022.

*/s/ Thomas T. Cullen*  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE